

REMARKS

Claims 1-16 are currently pending in this application. Claim 1 is amended, and claims 4-16 are withdrawn from consideration.

The Applicants note with appreciation the Examiner's acknowledgement that certified copies of all priority documents have been received by the USPTO; the drawings filed January 14, 2004 have been accepted by the USPTO; and that the references included in the Information Disclosure Statements (IDS) filed on April 13, 2004 have been considered.

ELECTION/RESTRICTION

Applicants respectfully submit that claims 4-16 were withdrawn from consideration in light of the Election of Species Requirement mailed August 24, 2005.

REJECTIONS UNDER 35 U.S.C. § 102

Claims 1 and 2 are rejected under 35 U.S.C. § 102(b) as being anticipated by Allen et al. (U.S. Patent No. 6,111,696; herein Allen). Applicants respectfully traverse this rejection for the following reasons.

Amended independent claim 1 recites "an emissive plastic optical fiber comprising an integrally formed core and clad, wherein at least one of the core and the clad being formed in an opaque phase by polymer phase separation."

Allen is directed to a brightness enhancement film including a dispersed phase of polymeric particles dispersed within a continuous birefringent matrix in combination with light directing materials to enable control of light emitted from a lighting fixture or display.¹ The Office Action mailed December 15, 2005, cites the summary of the invention, Figure 8 and

column 33, line 8 to column 34, line 55 of Allen as disclosing each and every feature of independent claim and dependent claim 2.²

However, Applicants respectfully submit that the optical film described in Allen is merely used as external cladding along a portion of a large core optical fiber as shown in Fig. 8. In particular, Allen states “when the optical films of the present invention are applied as an external cladding 54, they upset the light guiding at the fiber-to-air space interface, thereby ejecting light into the surroundings.”³ Accordingly, in Allen, the external cladding is generated separately from and then attached to the large core optical fiber after the large core optical fiber is manufactured.

Therefore, Allen at least fails to disclose, teach or suggest “an emissive plastic optical fiber comprising an integrally formed core and clad, wherein at least one of the core and the clad being formed in an opaque phase by polymer phase separation,” as recited in amended independent claim 1.

Further, Applicants respectfully note that the adjective “integrally formed” should be considered as imparting distinctive structural characteristics to the emissive plastic fiber recited in amended independent claim 1 and thus, must be specifically addressed by the Examiner. *In re Garnero*, 412 F.2d 276, 279, 162 USPQ 221, 223 (CCPA 1979), which held that “interbonded by interfusion” limited the structure of the claimed composite and further noted that words such as “intermixed” and “etched” are capable of construction as structural limitations is cited as support for the assertion that “integrally formed” imparts a structural limitation.

¹ Allen, Abstract.

² Office Action mailed December 15, 2005, page 3, lines 1-3.

³ Allen, column 33, lines 14-18.

Dependent claims 2 and 3 depend from independent claim 1 and therefore are patentably distinguished over the cited reference of Allen for at least the same reasons as discussed above with respect to independent claim 1.

In light of the above, Applicants respectfully request that the rejection of claims 1 and 2 under 35 U.S.C. § 102(b) as anticipated by Allen be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 103

Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Allen. Applicants respectfully traverse this rejection as detailed below.

As discussed above, Applicants respectfully submit that Allen fails to disclose, teach or suggest “an emissive plastic optical fiber comprising an integrally formed core and clad, wherein at least one of the core and the clad being formed in an opaque phase by polymer phase separation,” as recited in independent claim 1, and claim 2 depends from independent claim 1.

Accordingly, Applicants also respectfully request reconsideration and withdrawal of the rejection of claim 2 under 35 U.S.C. § 103(a).

Still further, even though the Office Action mailed December 15, 2005 does not include dependent claim 3 in a specific rejection, Applicants respectfully submit that dependent claim 3 is allowable for at least the same reasons as independent claim 1.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-3 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John A. Castellano at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

John A. Castellano, Reg. No. 35,094

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

JAC/SAE/pw